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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		1376-0100030	
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		09/777,032	02/05/2001
		First Named Inventor	
		Stephen A. BAGSHAW	
		Art Unit	Examiner
		2134	HENEGHAN, Matthew
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>51,596</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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17 October 2005
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen A. BAGSHAW

Title: METHOD AND SYSTEM FOR DUAL LINK COMMUNICATIONS
ENCRYPTION

App. No.: 09/777,032

Filed: 02/05/2001

Examiner: HENEGHAN, Matthew

Group Art Unit: 2134

Customer No.: 34456

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**REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed June 15, 2005 (hereinafter, "the Final Action") and the Advisory Action mailed August 23 (hereinafter, "the Advisory Action") and pursuant to the response to the Final Office Action mailed August 5, 2005 (hereinafter, "the Final Response") and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request submitted herewith, the Applicant requests review of the following issues on appeal.

Wasilewski fails to disclose or suggest receiving a single digital data stream and encrypting first and second portions of the received single data stream using first and second encryption keys, respectively, to generate first and second encrypted streams, respectively

Independent claim 1 recites the features of receiving a single digital data stream, encrypting a first portion of the single digital data stream with a first encryption key to generate a first encrypted stream and encrypting a second portion of the single digital data stream with a second encryption key to generate a second encrypted stream. As discussed in detail at pages 8-9 of the Final Response, Wasilewski (U.S. Patent No. 6,157,719) fails to disclose or suggest

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receiving a single digital data stream and encrypting first and second portions of the received single data stream using first and second encryption keys, respectively, to generate first and second encrypted streams, respectively, as provided by claim 1. Instead, Wasilewski teaches receiving two or more *separate* data streams, encrypting them, and then combining each of the *separate* encrypted streams to generate a single data stream. Thus, whereas claim 1 is directed to receiving a single data stream and generating two encrypted streams from the single data stream, Wasilewski is directed to receiving multiple separate data streams and combining the encrypted streams into a single data stream. The Final Action therefore fails to establish that Wasilewski discloses or suggests each and every features of claim 1.

Independent claim 12 recites the features of a cipher component capable of receiving a single digital data stream, applying a first encryption key to a first portion of the data stream and applying a second encryption key to a second portion of the data stream, and a demultiplexing component capable of splitting the single data stream into multiple data streams. As discussed at page 10 of the Final Response, not only does the Final Action not address in any detail how Wasilewski discloses at least these features and therefore fails to establish a *prima facie* case of anticipation, as discussed with reference to the features of claim 1, Wasilewski fails to disclose or suggest receiving a single data stream and applying first and second encryption keys to first and second portions of the single data stream as provided by claim 12. Moreover, Wasilewski fails to disclose or suggest a demultiplexing component capable of splitting the single data stream into multiple data streams as recited by claim 12. Accordingly, the Final Action fails to establish that Wasilewski discloses or suggests the specific combination of features recited by claim 12.

Wasilewski fails to disclose or suggest first and second decryption components capable of decrypting first and second links of encrypted data, respectively, to generate first and second portions of a received digital data stream and a multiplexing component capable of combining the first and the second portions of the received data streams to form a single received digital data stream

Independent claim 25 recites the features of an interface capable of receiving a first and a second link of encrypted data from a hardware controller, a first decryption component capable of decrypting the first link of encrypted data using a first encryption key to generate a first portion of a single received digital data stream, a second decryption component capable of

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decrypting the second link of encrypted data using a second encryption key to generate a second portion of the received digital data stream and a multiplexing component capable of combining the first and the second portions of the received data streams to form a single received digital data stream. As discussed in detail at pages 10 and 11 of the Final Response, the Final Action does not address how Wasilewski discloses or suggests the specific combination of features recited by claim 25 in any manner and therefore fails to establish a *prima facie* case of anticipation. Regardless, as further discussed by the Final Response, Wasilewski does not disclose or suggest a multiplexing component capable of combining first and the second portions of a received data stream to form a single received digital data stream as recited by claim 25. Accordingly, Wasilewski fails to disclose or suggest the specific combination of features recited by claim 25.

Wasilewski fails to disclose or suggest a clock capable of clocking a single received data stream at twice the speed of the first and second links of encrypted data

Claim 26, which depends from claim 25, recites the additional features of a clock capable of clocking the single received data stream at twice the speed of the first and second links of encrypted data. As discussed at page 11 of the Final Response, the Final Action relies on an "official notice" argument, which is improper under the anticipation rejection applied to claim 26. However, at page 2 of the Advisory Action, the Office changes its position and instead asserts that the feature of a clock capable of clocking the single received data stream at twice the speed of the first and second links of encrypted data is *inherent*. However, the Advisory Action fails to provide any support for the assertion that these features are inherent to the disclosure of Wasilewski. The Advisory Action therefore fails to establish a *prima facie* case of anticipation based on inherency. See *M.P.E.P.* § 2112.

The Final Action does not assert that the remaining cited references disclose or suggest the features of independent claims 1, 12 and 25 lacking in the disclosure of Wasilewski

Neither the Final Action nor the Advisory Action asserts that Wright (U.S. Patent No. 6,052,466), Bartulis (U.S. Patent No. 4,332,464), Otera (U.S. Patent No. 6,507,346), or the Digital Display Working Group, DVI Specification 1.0, 1999 (hereinafter "DDWG") discloses or suggests, individually or in combination, the features of independent claims 1, 12 and 12 missing from the disclosure of Wasilewski, nor in fact are these missing features disclosed or suggested by the cited references. Accordingly, the proposed combinations of Wasilewski, Wright,

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Bartulis, Otera and DDWG fails to disclose or suggest the particular combinations of independent claims 1, 12 and 25, as well as claims 2-4, 6, 7, 9-13, 15-17, 19-27 and 29-35 at least by virtue of their dependency from one of claims 1, 12 or 25.

Conclusion

As discussed above, the Final Action and Advisory Action fail to establish that the proposed combinations of the cited references disclose or suggest the specific combinations of elements recited by independent claims 1, 12, and 25. The Final Action and Advisory Action therefore fail to establish that the proposed combinations of the cited references disclose or suggest each and every element of claims 2-4, 6, 7, 9-13, 15-17, 19-27 and 29-35 at least by virtue of their dependency from one of claims 1, 12 or 25. Accordingly, the pending claims are allowable over the cited references and the Applicant therefore requests withdrawal of all pending rejections.

Respectfully submitted,

17 October 2005
Date


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